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A Short History of the Beginning: The International Lawyer in Perspective

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A Short History of the Beginning: THE INTERNATIONAL LAWYER in Perspective

The Beginning

In tracing the development of THE INTERNATIONAL LAWYER to its present day form, its role in international law and the work of the Section on International Law and Practice, one must begin at 1878, the year the ABA was first organized and the first Committee on International Law (CIL) was authorized. The CIL made annual reports on the development of law throughout the world, as well as events within the United States that had international implications.¹ Several of these annual reports were the subject of lively, if not heated, national debate, but in the end, they had a direct effect in shaping national policy on certain international matters. In these reports are alternately reflected the turbulence or calm of the international climate, and more enlightening, the national and international conscience of the legal community of the time.

Early Stirrings

In 1907, the Comparative Law Bureau was organized as an auxiliary body of the ABA, whose objectives were “the study, presentation, and discussion of methods whereby important laws of foreign nations affecting the science of jurisprudence might be brought to the attention of American Lawyers and institutions of learning and become available in the general study of

*Chairman, Committee on Section History; Former Chairman, Section of International Law and Practice (1955–57).

1. For a fuller treatment of these early years, see Folsom, *History of the Section of International Law: The First Thirty-five Years*, 16 INT'L LAW 119, 120 (1982).

private law.”² For six years it published an ANNUAL BULLETIN dealing with important current (and sometimes ancient) foreign laws and codes. Publication of these reports was taken over by the ABA JOURNAL in 1913 upon the demise of the BULLETIN,³ and together with the CIL reports⁴ and the various reports issued by other special ABA committees⁵ dealing with international public and private law, a rather complete overview of international law developments was provided. Following the amalgamation of all ABA international organs into the Section of International and Comparative Law in 1933,⁶ the new Section started publication of its ANNUAL PROCEEDINGS which continued until 1966. Included in its contents were reports of the meetings of the Council and Section, committee reports, addresses at meetings, and some comparative law material which would have been worthy of publication in a journal.

A Name in Search of a Journal

Few of these many ancestors of THE INTERNATIONAL LAWYER lasted very long or followed a consistent pattern as to their purpose or content. The idea of publishing a true legal journal on a regular basis was discussed by the Section Council for at least fifteen years before it came into existence. No one disagreed with the need for such a journal, but with a Section membership of twelve hundred to fifteen hundred and dues of five dollars in the early years, the necessary financial support simply did not exist.⁷

It was during the post-War years through the early sixties that the idea of a full-fledged legal journal for the Section was revived and took shape. Interestingly, although we discussed just about everything there is to discuss

2. *See id.* at 123; *see also* ABA ANNUAL REP. 174 (1907).

3. 33 ABA ANNUAL REP. 904 (1908).

4. The CIL published its annual reports until 1933, and many of them dealt with comparative law. These are preserved in the ABA ANNUAL REPORTS up to 1933.

5. E.g., the ABA set up a Committee on Comparative Study of World Legislation and its reports, starting in 1902 but lasting only a short time, constituted substantial contributions to the development of international private law.

6. The CIL, as one of the original ABA committees, functioned continuously until 1933. The Comparative Law Bureau (1907) and other organs were all merged in this 1933 amalgamation. Dean John Henry Wigmore almost single-handedly managed the merger of all the international organs of the ABA into the Section of International and Comparative Law. No one of the five-member Committee on International Law was present to resist Dean Wigmore, and he finally persuaded the public and private internationalists present to agree to the merger. The ABA Constitution was amended August 30, 1933, to provide for it. *See* Murdock, *Amalgamation of 1933*, BULLETIN, 4-6 (July 1963). Years later the Section simplified its name to the Section of International Law, and it was clear that this included both public and private international law. In 1982, the Section's name was expanded to "International Law and Practice."

7. For example, the Budget Committee of the ABA increased its grant of funds to the Section to one thousand dollars per year in 1957. *See* 1957 PROCEEDINGS 20.

about a journal (e.g., contents, format, color, funding, etc.), the “journal-to-be” was always referred to as *THE INTERNATIONAL LAWYER*. This lack of debate about the name (aside from the fact that it is an excellent name), may have been due to the fact that in August of 1949 there appeared Volume 1, Number 1, of *THE INTERNATIONAL LAWYER*. It was published by the Section, but the editorship went unclaimed (it was probably the work of Charlie Rhyne, then Chairman of the Section). It contained a review of the Section’s program for the 1949 annual meeting, photographs of speakers, etc., but little that could qualify it as a journal. Although it was evidently one of a kind, it seems to have established the name of the journal when it finally made its appearance seventeen years later.

In 1957, Max Chopnick proposed the Section start a bulletin as a first step toward actually establishing an international law journal. The Section’s leadership was confident that the new bulletin would be such a good tool that we would soon be overwhelmed with new members,⁸ providing us with the necessary funds to establish a journal. The Council approved, Max was named Editor, and he published the first issue of the *BULLETIN* in May 1957.⁹ Ted Kupferman became editor in 1963, and continued the high standards set by Max.

1966: First of Twenty

The problem of financial support for the proposed journal was before the Council during the 1964–66 period. In February 1966 an Ad Hoc Committee chaired by Joe Barrett recommended that the *BULLETIN* and the *PROCEEDINGS* be combined into a new publication entitled *THE INTERNATIONAL LAWYER*. After some debate about financial considerations, the Council approved the recommendation.¹⁰ Things moved rapidly after this. The editor-in-chief, associate editors, and board of editors were named at the spring meeting of the Council, and it was announced that the first issue of *THE INTERNATIONAL LAWYER* would appear in the fall.¹¹ To say that this

8. Chairman Folsom’s prediction before the House of Delegates in 1957 that the publication of the *BULLETIN* would double the membership of the Section within two years did nothing to enhance his reputation as a prophet. During the nine years of its existence, the membership increased only 33 percent.

9. ABA President David Maxwell, once active in our Section, as several presidents have been, dedicated the first issue of the *BULLETIN*. He called it a “modulator of resonance” in the international and comparative law field. This may have been a slight bit of “puffing,” but our bulletin did become a quality product. The Chairman pointed out that it was not intended to be a legal journal.

10. *BULLETIN* at 2 (May 1966).

11. The Editors-in-Chief of the journal since its appearance as *THE INTERNATIONAL LAWYER* have been:

1966–1968	Clifford J. Hynning
1966–1974	Eberhard P. Deutsch

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was optimistic is putting it mildly, but the first issue did appear as announced, and the journal was creeping, if not running. The problem of funds for the journal was not easily solved, but when a corporate subscription program proved a success and dues were raised to eight dollars in 1968 and ten dollars in 1969, the journal's days of skating on thin financial ice were over.

THE INTERNATIONAL LAWYER has earned its reputation as the leading journal for lawyers with an interest in international practice. It is required reading for them, and I know of few who do not say, "It is the one international journal that I read through."

In this short history, it was not possible to identify the many who have contributed to the success of THE INTERNATIONAL LAWYER. It has been a team effort which followed the adage, "there is no limit to what can be accomplished if no one worries about who gets the credit." We do owe a debt of deep gratitude to those directly involved in making THE INTERNATIONAL LAWYER what it is, as well as to those who kept the dream alive over the period of so many years.

1974-1978	Alwyn V. Freeman
1978-1983	Francis S. Ruddy
1983-present	Robert E. Lutz